

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RUSSELL WADE EASON,

Plaintiff,

v.

WILLIAM STEPHENS ET AL.,

Defendants.

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CIVIL ACTION NO. 5:16-CV-00107-RWS

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Russell Eason, a prisoner of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil-rights lawsuit under 42 U.S.C. §1983 alleging violations of his constitutional rights during his confinement at the Telford Unit. Plaintiff named the Texas Department of Criminal Justice Executive Director William Stephens, Warden Wilson, Warden Facio, Warden Townsend, and an officer named D. Clark as Defendants in this action. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Eason was ordered to pay an initial partial filing fee of \$4.99 pursuant to 28 U.S.C. §1915(b). When Eason did not comply or show good cause for his failure to do so, the Magistrate Judge issued a Report recommending dismissal of the lawsuit for failure to prosecute or obey an order of the Court. Docket No. 8.

Eason filed objections to the Report. Docket No. 11. Eason's objections offer a liberty-interest analysis regarding his placement in segregation. In his objections, Eason also asserts that

he is now at risk at the Darrington Unit, which is located in the Southern District of Texas, and he claims he should be in safekeeping because he has testified in a number of high-profile criminal cases. Eason's objections make no mention of his failure to comply with a court order or the recommendation for dismissal based upon this failure.

The Court has conducted a careful *de novo* review of those portions of the Magistrate Judge's proposed findings and recommendations to which the Plaintiff objected. *See* 28 U.S.C. §636(b)(1) (a District Judge shall "make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made.") Upon such *de novo* review, the Court has determined the Report of the Magistrate Judge is correct and that Plaintiff's objections are without merit.

After filing objections to the Report and Recommendation recommending dismissal, Eason filed a motion for temporary restraining order or preliminary injunction concerning the conditions of confinement at the Darrington Unit. Docket No. 12. Plaintiff's original Complaint (Docket No. 1) raises concerns with the conditions of confinement at the Telford Unit, which is in the Eastern District of Texas, but Plaintiff's motion for a temporary restraining order or preliminary injunction focuses on the Darrington Unit, which is not within the Eastern District of Texas.

A party moving for a preliminary injunction must establish a relationship between the injury claimed in the motion and the conduct asserted in the complaint. *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994); *see also Howard v. Gutierrez*, Case No. C-11-125, 2011 WL 3687382 (S.D.Tex., August 22, 2011) (citing *Bethell v. Peace*, 441 F.2d 495, 498 (5th Cir. 1971)). Plaintiff's request for injunctive relief regarding the conditions of confinement at the Darrington Unit has no relation to his claims concerning the conditions of confinement at the Telford Unit.

Furthermore, the Court lacks *in personam* jurisdiction over individuals in the Southern District of Texas and thus cannot enter an injunction against these officials. *See Enterprise International v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 470 (5th Cir. 1985).

Having reviewed the Magistrate Judge's recommendation that the case be dismissed for failure to prosecute, Plaintiff's objections thereto, the record and all available evidence, the Court agrees with the Magistrate Judge that this case should be dismissed for failure to prosecute. Accordingly, it is

ORDERED the Plaintiff's objections to the Report and Recommendation are overruled and the Report of the Magistrate Judge (Docket No. 8) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**, including Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction (Docket No. 12).

SIGNED this 24th day of May, 2017.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE